

Mail Stop Interference  
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Paper 1  
Filed 7 December 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MARK A. RYDELL  
Junior Party  
(Reissue Patent 36,795)

v.

CHARLES R. SLATER  
Senior Party  
(Application 09/177,502)

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Patent Interference No. 105,782 (JL)  
(Technology Center 3700)

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DECLARATION - BD.R. 203(b)<sup>1</sup>

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           Part A. Declaration of interference

2           An interference is declared (35 U.S.C. § 135(a)) between the above-identified  
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)  
4 and claims designated as corresponding or as not corresponding to the count(s) appear  
5 in Parts E and F of this DECLARATION.

6           Part B. Judge managing the interference

7           Administrative Patent Judge Jameson Lee has been designated to manage the  
8 interference. Bd. R. 104(a).

9           Part C. Standing order

10          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11 DECLARATION. The STANDING ORDER applies to this interference.

12          Part D. Initial conference call

13          A telephone conference call to discuss the interference is set for 1:00 p.m. (EST)  
14 on 20 January 2011 (the Board will initiate the call).

15          No later than four business days prior to the conference call, each party shall  
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18          A sample schedule for taking action during the motion phase appears as Form 2  
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
20 the conference call and to agree on dates for taking action. A typical motion period  
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request  
22 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: MARK A. RYDELL, Golden Valley, Minnesota

Involved Patent: Reissue Patent 36,795, based on Application  
08/724,997, filed 3 October 1996 -- Reissue of Patent  
5,352,222, based on Application 08/213,671, filed  
15 March 1994

Title: Surgical Scissors With Bipolar Coagulation Feature

Assignee: Everest Medical Corporation

Senior Party

Named Inventor: CHARLES R. SLATER, Fort Lauderdale, FL

Involved Application: 09/177,502, filed 23 October 1998

Title: Bipolar Endoscopic Surgical Scissor Blades and  
Instrument Incorporating the Same

Assignee:

The senior party is assigned exhibit numbers 1001-1999. The junior party is  
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party  
is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

2 Count 1

3 Slater's Application 09/177,502 claim 24

4 or

5 Rydell's Reissue Patent 36,795 claim 15

6  
7 The claims of the parties are:

8 Rydell: Claims 1-38

9 Slater: Claims 24-29 and 40-56

10 The claims of the parties which correspond to Count 1 are:

11 Rydell: Claims 15-17

12 Slater: Claims 24-29 and 40-56

13 The claims of the parties which do not correspond to Count 1, and therefore are  
14 not involved in the interference, are:

15 Rydell: Claims 1-14 and 18-38

16 Slater: None

17  
18 The parties are accorded the following benefit:

19 Rydell: Application 08/213,671, filed October 3, 1996, issued as  
20 Patent 5,352,222.

21 Slater: Application 08/354,992, filed 13 December 1994  
22  
23  
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1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference, see  
3 SO ¶ 106.1.1:  
4

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6 UNITED STATES PATENT AND TRADEMARK OFFICE  
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8  
9 BEFORE THE BOARD OF PATENT APPEALS  
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12  
13 MARK A. RYDELL  
14 Junior Party  
15 (Reissue Patent 36,795)  
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17 v.  
18

19 CHARLES R. SLATER  
20 Senior Party  
21 (Application 09/177,502)  
22

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24  
25 Patent Interference No. 105,782 (JL)  
26 (Technology Center 3700)  
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1 Part H. Order form for requesting file copies

2 When requesting copies of files, use of SO Form 4 will greatly expedite  
3 processing of the request. Please attach a copy of Parts E and F of this  
4 DECLARATION with a hand-drawn circle around the patents and applications for which  
5 a copy of a file wrapper is requested.

6  
7  
8 /JAMESON LEE/  
9 Administrative Patent Judge  
10

11  
12 Revised 3 January 2006  
13

14  
15 Enc:  
16 Copy of STANDING ORDER  
17

18  
19  
20 cc (via overnight delivery):  
21

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